

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

September 22, 2008

TO: Internal File

THRU: James D. Smith, Permit Supervisor *JD* 10/13/08
Joe Helfrich, Team Lead *JH*

FROM: Wayne H. Western, Environmental Scientist III, Engineering and Bonding

RE: Bath House Parking Lot Expansion, Hiawatha Coal Company, Bear Canyon Mine, C/015/0025, Task ID # 3016

SUMMARY:

On July 21, 2008, the Permittee submitted an amendment to expand the Bear Canyon Mine parking area to create adequate parking space for their current work force. In addition, the Permittee needs to widen the roadway into the mine to allow safe two-way travel for large trucks.

Due to the proximity of Bear Creek, the Permittee is proposing to avoid impinging on the stream by expanding the parking lot to the west and south. This will be an IBC along the west permit area boundary at the Bath House Area.

R645-301-521.190. The Permittee must update the permit area acreages in Chapter 1 page 1-5. In addition, the Permittee must also include information on the acreage of the disturbed area.

R645-301-521.151, The Permittee must provide the Division with a map the clearly indicate sufficient slope measurements or surface contours to adequately represent the existing land surface configuration of the proposed permit area for at least 100 feet beyond the limits of mining disturbances. Neither Plate 5-2B nor any other map in the amendment completely shows contours 100 feet outside of the disturbed area.

R645-301-526.200 The Permittee must update the MRP to show that additions that they made to the surface facilities. The information in Appendix 5-A to include the new structures, start dates and estimated completion dates.

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R645-301-512.100, The Permittee must provide the Division with a certified copy of Plate 5-2B, Surface Facilities.

R645-301-542.300, The Permittee must have the Plate 2-3B, Reclamation Area, certified by a registered professional engineer.

R645-301-830.140, The Permittee must update the bond calculation in Appendix 8-A. The Division will provide the Permittee with copies of the worksheets as needed. The bond calculations provided in the amendment are not in the same format as the bond calculations that the Division uses to determine the bond amount.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

PERMIT AREA

Regulatory Requirements: 30 CFR 783.12; R645-301-521.

Analysis:

The Permittee did not meet the requirements of this section. The Permittee did not update the permit area acreages in Chapter 1 page 1-5. In addition, the Permittee must also include information on the acreage of the disturbed area.

Findings:

The information provided in the proposed amendment is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-521.190. The Permittee must update the permit area acreages in Chapter 1 page 1-5. In addition, the Permittee must also include information on the acreage of the disturbed area.

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

Existing Surface Configuration Maps

The Permittee did not meet the minimum requirements of this section. The Permittee must provide the Division with a map that clearly indicate sufficient slope measurements or surface contours to adequately represent the existing land surface configuration of the proposed permit area for at least 100 feet beyond the limits of mining disturbances. Neither Plate 5-2B nor any other map in the amendment completely shows contours 100 feet outside of the disturbed area.

Findings:

The information provided in the proposed amendment is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-521.151, The Permittee must provide the Division with a map that clearly indicate sufficient slope measurements or surface contours to adequately represent the existing land surface configuration of the proposed permit area for at least 100 feet beyond the limits of mining disturbances. Neither Plate 5-2B nor any other map in the amendment completely shows contours 100 feet outside of the disturbed area.

OPERATION PLAN

MINING OPERATIONS AND FACILITIES

Regulatory Reference: 30 CFR 784.2, 784.11; R645-301-231, -301-526, -301-528.

Analysis:

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The Permittee did not meet the requirements of this section. The Permittee must update the information in Appendix 5-A to include the new structures, start dates and completion dates.

Findings:

The information provided in the proposed amendment is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-526.200 The Permittee must update the MRP to show that additions that they made to the surface facilities. The information in Appendix 5-A to include the new structures, start dates and estimated completion dates.

MAPS, PLANS, AND CROSS SECTIONS OF MINING OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-512, -301-521, -301-542, -301-632, -301-731, -302-323.

Analysis:

Mining Facilities Maps

The Permittee meet the requirements of this section. The Permittee provided the Division with an updated mine facilities map, Plate 5-2B, Surface Facilities.

Certification Requirements

The Permittee did not meet the requirements of this section. The Permittee must have the Plate 2-3B, Surface Facilities, certified by a registered professional engineer.

Findings:

The information provided in the proposed amendment is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-512.100, The Permittee must provide the Division with a certified copy of Plate 5-2B, Surface Facilities.

RECLAMATION PLAN

MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-323, -301-512, -301-521, -301-542, -301-632, -301-731.

Analysis:

Bonded Area Map

The Permittee met the requirements of this section. The Permittee provided the Division with an updated copy of the bonded area map. The Division considers that the bonded area will be the same as the disturbed area as shown on several maps including Plate 2-3B, Reclamation Area.

Final Surface Configuration Maps

The Permittee met the requirements of this section. The Permittee provided the Division with an updated copy of Plate 2-3B, Reclamation Area.

Certification Requirements.

The Permittee did not meet the requirements of this section. The Permittee must have the Plate 2-3B, Reclamation Area, certified by a registered professional engineer.

Findings:

The information provided in the proposed amendment is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-542.300, The Permittee must have the Plate 2-3B, Reclamation Area, certified by a registered professional engineer.

BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

Analysis:

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Determination of Bond Amount

The Permittee did not meet the requirements of this section. The Permittee must update the bond calculation in Appendix 8-A. The Division will provide the Permittee with copies of the worksheets as needed.

Terms and Conditions for Liability Insurance

Findings:

The information provided in the proposed amendment is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-830.140, The Permittee must update the bond calculation in Appendix 8-A. The Division will provide the Permittee with copies of the worksheets as needed. The bond calculations provided in the amendment are not in the same format as the bond calculations that the Division uses to determine the bond amount.

RECOMMENDATIONS:

This application should not be approved at this time.